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FEB 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Wilhelm	:	
Application No. 09/876,915	:	ON PETITION
Filed: June 8, 2001	:	
Attorney Docket No. 2000-008/9/14	:	
For: SYSTEMS AND METHODS FOR		
ADAPTIVE SAMPLING AND		
ESTIMATING A SYSTEMATIC		
RELATIONSHIP BETWEEN A PLURALITY		
OF POINTS		

This is a decision on the petition under 37 CFR 1.181, filed January 14, 2009, requesting that the Office withdraw the holding of abandonment of the above-identified application. In the alternative, petitioner requests revival under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to respond in a proper manner to the non-final Office action, mailed July 2, 2004, which set forth an extendable three (3) month period for reply. Applicant filed an amendment and a petition for a one month extension of time on November 1, 2004. A Notice of Abandonment was mailed on February 13, 2008. The Notice of Abandonment stated that the application was abandoned because the November 1, 2004 was not a proper reply or a bona fide attempt at a proper reply because claim 2 had an improper status identifier.

Petitioner requests withdrawal of the holding of abandonment based on the assertion that the amendment as a whole was a bona fide attempt to advance the application because it substantially responds to all rejections and objections in the non-final Office action. The undersigned finds this argument convincing, as the error cited in the Notice of Abandonment is a minor error. It is apparent from a review of the amendment and remarks section that applicant intended to cancel claim 2. The Office probably should have addressed the merits of the

amendment, or at the very least, mailed out a letter affording applicant one month/thirty days to correct the minor error.

The feeless petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the February 13, 2008 Notice of Abandonment is **vacated**. The petition under 37 CFR 1.137(b) is **dismissed as moot**. Applicant's credit card will be credited the \$810.00 petition fee submitted on January 14, 2009.

Applicant has filed an amendment addressing the improper status identifier for claim 2 and making "minor formatting changes" to the amendment filed on November 1, 2004. Therefore, there is no need to mail a one month/30 day bona fide reply letter. Accordingly, the application file will be forwarded to Technology Center A.U. 2624 for consideration of the amendment filed on January 14, 2009.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



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